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October 2, 1998

**HAND DELIVERY**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

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**OCT - 2 1998**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

Ex Parte Presentation

Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency  
Calling Systems  
CC Docket No. 94-102, RM-8143

Dear Ms. Salas:

On October 1, 1998, Douglas Brandon, Vice President – Law and External Affairs of AT&T Wireless Services ("AT&T"), Karl Korsmo, Director, External Affairs, AT&T, Michelle Mundt of my office and the undersigned met with Daniel Phythyon, Kathleen O'Brien Ham, Nancy Booker, Dan Grosh and Barbara Reideler of the Wireless Telecommunications Bureau to discuss the above-referenced matter. The points we raised are reflected in the attached memo, which was provided to the Commission participants at the meeting.

Pursuant to sections 1.1206(b)(1) and (b)(2) of the Commission's rules, an original and one copy of this letter and attachment are being filed with the Office of the Secretary. Copies of the letter and the attachment are also being served on the Commission personnel that attended the meeting.

Sincerely,



Howard J. Symons

cc: Daniel Phythyon  
Kathleen O'Brien Ham  
Nancy Booker  
Dan Grosh  
Barbara Reideler

DCDOCS: 135261.1 (2wd9011.doc)

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**AWS Wireless Services, Inc.**  
**E9-1-1 Phase I: Status Update--9/30/98**  
**CC Docket No. 94-102; RM --8143**

**Main Points**

- AWS is actively engaged and has invested heavily in meeting the spirit of the FCC order. E9-1-1 service is likely to be implemented successfully only if control over technical choice is retained by carriers.
- Lack of immunity protection for carriers and LEC misbehavior are the major factors delaying Phase I implementation.
- LEC and PSAP foot-dragging is a major reason for lack of Phase I in states with funding and immunity protection.

**Review AWS's Efforts and Results On Phase I as of 9/30/98.**

**Summary of Implementation Activities**

- AWS was ready to implement Phase I as of March 1998.
- We have implemented Phase I in every jurisdiction where prerequisites are met (PSAP request, PSAP ability to receive Phase I information, contract for service, cost recovery mechanism)
- We actively engage in PSAP outreach everywhere funding mechanism is in place and liability protection exists.
- We continue to push for legislation in states that currently lack funding and liability protection.

**Successful Phase I Implementations**

- Oregon (63% of customers in state at 9/30/98)
- Colorado (11% of customers in state at 9/30/98)
- Clark County, WA (Note: Field trial designed to stimulate PSAP requests for service)
- These areas represent less than four percent of AWS's wireless customers in the U.S.

**Unsuccessful Phase I Implementations**

- Minnesota: PSAPs insisted carriers use technology that increased time for 9-1-1 call-set-up from 6 seconds ("Phase 0" status quo) to 14-15 seconds. AWS has worked with the state for 6 months to convince the state to permit AWS to choose the most effective technology. Because no agreement is expected, AWS will probably revert to Phase 0 routing, with ANI provided for free, as we continue to negotiate an acceptable Phase I solution.
- New Jersey: Request for Phase I service but no cost recovery, and state has been unwilling to discuss technology alternatives.

**Cost of Phase I**

- AWS has spent more than \$8 million on Phase I implementation to date, over the past 12 months. This includes \$2 million for switch software upgrades, \$4 million in payments to vendors of 9-1-1 database services and software, \$1 million in legal, consulting and temporary services fees; and over \$1 million for interconnection fees and internal dedicated labor costs.

### **Status of PSAP Orders for Phase I (What's in the pipeline?)**

There are few outstanding requests for Phase I. Existing requests cover an additional 5 % of total customers.

States with the largest numbers of AWS wireless customers and status:

- Funding but No Requests

New York: Wireless customers have been paying a \$0.70 per month 911 surcharge since 1991, yet the PSAPs assert that there is no money left for Phase I.

Texas: Wireless customers have been paying \$0.50 per month for the past year, but to date only one county in Texas has expressed interest in implementing Phase I.

California

- No Funding

New Jersey

Florida

Washington

Pennsylvania

### **"Lessons Learned" from Phase I**

**Wireless carriers & public safety agencies can successfully implement multiple Phase I solutions.** There is no need for a single, mandated technology. Rather, industry and agencies can cooperate on standards for call and information delivery.

- LA Cellular is a partnership of AWS and BellSouth. The Phase I trial is in a relatively small 7x9 mile area of Los Angeles.
- Very successful effort demonstrates varying solutions (including both call path and non-call path) can be entirely compatible as long as fully standards-compliant.
- Leadership by Leah Senitte and California Highway Patrol fostered success by bringing all parties to the table, but not attempting to preclude carriers' right to select the most appropriate technical solutions for their networks and customers.
- LA Trial demonstrates the critical importance of legislatively-provided immunity. Continuing lack of immunity means trial remains incomplete (selective routing not in place) and expansion plans in jeopardy.

### **Technology solutions dictated by PSAPs are not successful Phase I models.**

- Minnesota: In effort to work cooperatively, AWS agreed to implement a FGD-based system in Twin Cities area, selected and designed by PSAP authority. Result is seriously degraded call set-up time. Other carriers have chosen not to participate; situation exemplifies how customers can be harmed by PSAP control over technical choice.
- Houston: PSAP authority is dictating an early implementation of Phase II using a vendor under contract to the PSAP authority. This activity has postponed Phase I implementation. In addition, confidentiality of customer information jeopardized by this arrangement.

**Lack of liability protection for carriers is significantly delaying Phase I implementations.**

- California: Lack of liability protection may stall the expansion of the relatively small Phase I trial in the Los Angeles area.
- A significant number of other states also lack adequate liability protection.

**SBC and Bell Atlantic are denying ALI interconnection features on bottleneck 9-1-1 facilities that are required to implement AWS's Phase I solution.**

- SBC has refused to allow AWS the means to implement its Phase I solution by denying AWS's request for real time location updates to the LEC ALI database and by delaying steering services that would permit use of AWS' ALI database until SBC's competing Phase I service will be available. These tactics have resulted in the indefinite postponement of a Phase I trial in Austin, TX and the inability of AWS to implement its Phase I solution in SBC's region.
- Bell Atlantic also has refused to provide dynamic ALI update. Bell Atlantic is also delaying ALI steering until 3Q99. Bell Atlantic has informed us that ALI steering must await upgrades of its ALI systems because earlier implementation is "too expensive."

**How can the FCC help to get Phase I E9-1-1 service to customers faster?**

- Mandate RBOC interconnection for ALI steering at reasonable rates, consistent with existing FCC rules on interconnection.
- Clarify that PSAPs do not have the authority to order carriers to implement specific technology or vendor solutions. Rather, explain that carriers and PSAPs have the obligation to work together in good faith on standards for call and data delivery.
- Clarify that liability protection on par with landline carriers is a prerequisite to Phase I implementation.

**Status of AWS' work on Phase II of wireless E9-1-1**

- AWS is actively exploring Phase II location-determination technologies with vendors, and is working with carriers and the public safety agencies on network standards for delivery of Phase II location information.
- AWS has stated publicly its willingness to implement Phase II prior to the FCC's schedule, if the prerequisites of cost recovery and liability protection are in place, and the PSAP permits AWS to use its national 9-1-1 network solution (non-call path).
- Successful Phase II service depends on carrier choice of technology even more than successful Phase I service. Without carrier choice of technology, economies of scale will be lost (increasing Phase II costs to the public, possibly rendering Phase II unaffordable in some areas), and delivery of wireless emergency services on a national scope will be impossible.